

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**PATRICK D. THOMAS,**

**Defendant.**

**No. 08-30059-DRH**

**ORDER**

**HERNDON, Chief Judge:**

Now before the Court is Thomas' December 14, 2008 motion to suppress (Doc. 35 ). On April 14, 2008, Magistrate Judge Philip M. Frazier entered the Order For Pre-Trial Discover And Inspection (Doc. 14). That Order requires all motions to be filed within twenty-one days of the arraignment.<sup>1</sup> Thomas was arraigned on April 7, 2008 and this motion was filed on December 14, 2008. Thus, this motion is untimely. Further, Thomas has not sought leave to file the motion to suppress out of time. Accordingly, the Court **STRIKES as untimely** Thomas'

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<sup>1</sup>Paragraph 5 of the Order states in part: "In the event a party desires to file any other motion, the motion shall be supported by a brief or memorandum of law and shall be filed within twenty-one (21) days of the arraignment." (Doc. 14, p. 2).

December 14, 2008 motion to suppress (Doc. 35) and **DENIES as moot** Thomas' December 16, 2008 motion for continuance of trial (Doc. 36).

**IT IS SO ORDERED.**

Signed this 17th day of December, 2008.

/s/ *David R. Herndon*

**Chief Judge**  
**United States District Court**